

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION
James R. Thompson Center
100 W. Randolph Street, Suite 5-300
Chicago, Illinois 60601

Meeting of Panel D
August 12, 2009
9:00 a.m.

MINUTES

Commissioners

Greg Simoncini, Acting Panel Chair
Diane Viverito

Staff

Donyelle Gray
Bricia Herrera
Harriet Parker
Meghan J. Paulas
Erica Gelfand (Coles Fellow)
Stephanie Fajuri (Coles Fellow)
Deeba Yunus (Law Extern)

Members of the public:

Attorney Sarah Stertz, for Respondent Act II Jewelry, LLC
D/B/A Lia Sophia in matter of Yolanda Tellez v. Act II
Jewelry, LLC D/B/A Lia Sophia, ALS No. 08-0302

I. Call to Order.

A meeting of Human Rights Commission Panel D was called to order on August 12, 2009 at 9:10 a.m. by Greg Simoncini. Motion made by Commissioner Viverito for Commission Simoncini to preside as Acting Panel Chair for this meeting, seconded by Commission Simoncini. Motion carried 2-0.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

- 1) A quorum of the public body was present at the meeting without the physical presence of Commissioner Muhammad.
- 2) Prior to the meeting, Commissioner Muhammad gave notice (and good cause as defined by the Illinois Open Meetings Act) to the General Counsel and Secretary of the Public Body, Harriet Parker, that he would be unable to be present for the August 12, 2009 meeting.

II. Consideration of Minutes.

The minutes of the meeting of July 8, 2009 were approved as submitted by staff. Motion made by Commissioner Viverito, seconded by Commissioner Simoncini. Motion carried 2-0.

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III. Requests for Review

A. *Brandy Bush v. OSF Saint Francis, Inc.*

ALS No. 09-0199 Charge No. 2008SF2865

The Panel sustained the dismissal in the above-referenced matter. The Panel determined that the Complainant failed to establish that race discrimination or retaliation were the motives for her termination. The evidence showed that the Complainant was terminated following her failure to adhere to the Respondent's written discipline policy when she admittedly failed to prepare a written action plan, which constituted insubordination and provided cause for termination under the written discipline policy. Motion made by Commissioner Viverito, seconded by Commissioner Simoncini. Motion carried 2-0.

B. *Brandy Bush v. OSF Saint Francis, Inc.*

ALS No. 09-0200 Charge No. 2008SF2687

The Panel vacated the dismissal in the above-referenced matter and remanded the matter to the Department of Human Rights. The Panel vacated Count A of the charge, which alleged harassment based on race, because both the Department and the Complainant agreed that there was substantial evidence of racial harassment. As to Count B, in which the Complainant alleged that she was suspended in retaliation for having complained about racial slurs directed at her in the workplace, the Panel found that further investigation was needed to determine if there was substantial evidence to support the allegations in Count B. Motion made by Commissioner Simoncini, seconded by Commissioner Viverito. Motion carried 2-0.

C. *Bernard Vitello v. Easter Seals Metropolitan Chicago*

ALS No. 09-0228 Charge No. 2008CP3405

The Panel sustained the dismissal in the above-referenced matter because the Complainant failed to present evidence of good cause for his failure to proceed. Motion made by Commissioner Viverito, seconded by Commissioner Simoncini. Motion carried 2-0.

D. *Rose Young v. Village of Burnham*

ALS No. 09-0235 Charge No. 2009CH0212

The Panel sustained the dismissal in the above-referenced matter, having found no substantial evidence of race or age discrimination. Motion made by Commissioner Viverito, seconded by Commissioner Simoncini. Motion carried 2-0.

E. *Joan Flowers v. A&E Management*

ALS No. 09-0239 Charge No. 2009CH1457

The Panel sustained the dismissal in the above-referenced matter. Although the Panel found that the Complainant had not presented substantial evidence of discrimination, and that some of her claims were also jurisdictionally barred, the Panel noted that where applicable, the Department should cite Illinois caselaw or Commission decisions in support of arguments where, as in this case, such authority exists, rather than citing exclusively to federal law. The

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Commission is not bound by federal law in interpreting the Human Rights Act unless said federal legal standard is expressly adopted by the Illinois courts.

IV. Motion for Order to Close Case

Angelina Olivas v. Carry Companies n/k/a Hollander Distribution Systems, Inc.

ALS No. 11482 Charge No. 2000CF1538 EEOC No. 21BA00909

The Panel granted the above-referenced Motion. Motion made by Commissioner Simoncini, seconded by Commissioner Viverito. Motion carried 2-0.

V. Settlements

DHR#	Complainant	Respondent
1. 2009CH1827	C. Harris	1. G & A Partners, Ltd. et al.
2. 2009CH3654	R. Simon	Jose Augilar, Owner
3. 2009CH3020	1. R. Bongeorno et al.	1. William Moran et al.
4. 2009CF0257	S. Irving	Collection Training Institute
5. 2009CF0660	T. Brown	Food Service Professionals
6. 2009CF3210	D. Pope	Mario Tricoci Hair Salons & Day Spas
7. 2009CF2956	L. Carter	Cook DuPage Transpotation (PACE)
8. 2009CA2025	S. Orszula	Icon Metal Craft
9. 2009CF3517	K. Wells	Just for Kids

The Panel approved the settlements in the above-referenced matters #1-9. Motion made by Commissioner Simoncini, seconded by Commission Viverito. Motion carried 2-0.

VI. Motion to Compel Third Party Witnesses to Comply With Subpoena for Records

Yolanda Tellez v. Act II Jewelry, LLC d/b/a Lia Sophia

ALS No. 08-0302 Charge No. 2008CF1016

The Panel granted the above-referenced motion and approved the commencement of enforcement proceedings. Motion made by Commissioner Simoncini, seconded by Commissioner Viverito.

VII. Adjournment

The meeting was adjourned at 10:12 a.m. Motion made by Commissioner Simoncini, seconded by Commissioner Viverito. Motion carried 2-0.

Respectfully submitted,

Harriet Parker
General Counsel